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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA – DIVISION 4

In Re:

SHIA-LING JENG LEU,

Debtors.

Case No.: 14-43945-CN

Chapter 7

**DEBTOR'S MOTION TO VOID LIEN
IMPAIRING EXEMPTION PURSUANT TO
11 U.S.C. §522(f)**

Judge: Hon. Charles Novack

To the United States Bankruptcy Court, the Honorable Charles Novack, the United States Trustee, the Chapter 7 Trustee, American Express Centurion Bank, Bleier & Cox, Bob Han, an individual, David Jeng, an individual, CACV of Colorado, LLC, Capital One, NA, Discover Bank, GDE-Labank Village, LLC, Great Western Collection Bureau, Hseuh-Kuan Lu, LVNV Funding, LLC, Midland Credit Management, Inc., Mortgage Service Center, Sheer Investment Company, WAMO, Wells Fargo Home Mortgage, all creditors, and all other parties in interest:

Debtor hereby moves this court for an Order voiding the lien of American Express Centurion Bank, (hereinafter "AMEX") on the grounds it impairs an exemption to which the debtor is entitled.

At the commencement of the case, debtor Shia-Ling Jeng Leu (hereinafter “Debtor”) owned the real property commonly known as 960 Springview Circle, San Ramon, California 94583; APN: 413-460-035-8 (hereinafter “Property”) and more fully described in **Exhibit A** attached to the Declaration of Shia-Ling Jeng Leu filed concurrently herewith.

AMEX has a judgment lien in the principal amount of \$13,271.48 which was perfected by the recordation of a judgment lien in the County of Contra Costa, State of California where the Property is located. Said recordation was filed on January 22, 2008, as document number 2008-13041 (hereinafter “Lien”).

The property had a fair market value of \$791,433.00 as of the commencement of the instant action. The Debtors claimed an exemption in the amount of \$100,000.00 in the Property under California Code of Civil Procedure §704.730.

At the enactment of the instant case, the Property was encumbered with the following liens in order of the recordation:

a. Value of Property:	\$791,433.00
b. Mortgage Service Center:	<u>\$119,201.00</u>
	\$672,232.00
c. Wells Fargo Home Mortgage:	<u>\$101,097.00</u>
	\$571,135.00
d. GDE-Labank Village, LLC:	<u>\$ 25,065.53</u>
	\$546,069.47
e. WAMCO:	<u>\$ 20,770.76</u>
	\$525,298.71
f. Great Western Collection Bureau:	<u>\$ 6,269.63</u>
	\$519,029.08
g. Discover Bank:	<u>\$ 12,297.20</u>
	\$506,749.88
h. Hseuh-Kuan Lu:	<u>\$350,000.00</u>
	\$156,749.88

i. David Jang:	<u>\$170,000.00</u>
	(\$ 13,250.00)
j. Bob Han:	<u>\$100,000.00</u>
	(\$113,250.12)
k. Sheer Investment Company:	<u>\$ 7,132.67</u>
	(\$120,382.79)
l. Midland Credit Management, Inc.:	<u>\$ 21,774.32</u>
	(\$142,157.11)
m. LVNV Funding, LLC:	<u>\$ 17,225.40</u>
	(\$159,382.51)
n. CACV of Colorado, LLC:	<u>\$ 7,191.68</u>
	(\$166,574.19)
o. American Express Centurion Bank (subject lien):	<u>\$ 13,271.48</u>
	(\$179,845.67)
p. Capital One, NA	<u>\$ 9,216.28</u>
	(\$189,061.95)

11 U.S.C. §522(f) provides that the debtor may void a lien which impair an exemption to which they are otherwise entitled. The Lien impairs the allowed exemption of \$100,000.00 which exceeds the value of the Property.

WHEREFORE, the Debtor prays for an Order that the court determine that the Lien of AMEX impairs an exemption to which the Debtor is entitled and that the Lien be declared to be null and void as to the Property.

SAGARIA LAW, P.C.

Dated: January 5, 2015

By: /s/ Elliot Gale, Esq.
Elliot Gale, Esq.
Attorney for Debtor